

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Henry Cordes	Team: Team # 3	CCRB Case #: 200709492	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/03/2007 1:45 PM	Location of Incident: § 87(2)(b)	Precinct: 101	18 Mo. SOL 1/3/2009	EO SOL 1/3/2009	
Date/Time CV Reported Wed, 07/04/2007 7:13 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 07/04/2007 7:13 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Andre Figueiredo	18440	936595	101 PCT
2. Officers			
3. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Richard Demartino	12739	926754	100 PCT
2. POM Christop Shannon	14374	927510	100 PCT
3. POM Christophe Dalessandro	21293	936420	101 PCT
4. POM Joseph Picarello	14432	934060	101 PCT
5. POM Raymond Rusielewicz	24008	934140	101 PCT
6. SGT Michael Hartman	01855	914805	101 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers stopped § 87(2)(b) and § 87(2)(b)	
B. POM Andre Figueiredo	Discourtesy: PO Andre Figueiredo spoke obscenely to § 87(2)(b) and § 87(2)(b)	
C. An officer	Force: An officer used physical force against § 87(2)(b)	
D. An officer	Abuse: An officer threatened to arrest § 87(2)(b)	

Synopsis

The CCRB received this complaint via the call processing system on July 4th, 2007, from a victim, § 87(2)(b). The complaint was also filed by a witness, § 87(2)(b) on the same date. § 87(2)(b)'s complaint was filed under case number 200709495, which was closed as a duplicate. § 87(2)(b) stated that at approximately 1:45pm on July 3rd, 2007, she was sitting outside her building, § 87(2)(b) Queens, drinking beer out of plastic cups with lids on them with § 87(2)(b). There were other individuals outside drinking beer, including § 87(2)(b)'s daughter, § 87(2)(b). PO Andre Figueiredo, PO Christopher Dalessandro, PO Joseph Picarello, and PO Raymond Rusielewicz were patrolling the area on their bicycles and stopped § 87(2)(b) and § 87(2)(b) (allegation A). § 87(2)(b)'s friend, § 87(2)(b) approached the officers with a hammer in his back pocket. § 87(2)(b) alleged that PO Figueiredo told § 87(2)(b) to "sit the fuck down" (within allegation B). The officers then threw § 87(2)(b) on the ground and arrested him, during which time an officer punched him in the head (allegation C). § 87(2)(b) asked the officers why they had hit § 87(2)(b) at which point an officer touched her on the back. § 87(2)(b) told the officer not to touch her, at which point she was arrested. § 87(2)(b) asked the officers why they were arresting § 87(2)(b) and she was arrested. § 87(2)(b) then approached PO Figueiredo and asked him why the officers had hit § 87(2)(b). § 87(2)(b) alleged that PO Figueiredo said, "You should be lucky I didn't beat his ass (within allegation B). § 87(2)(b) then attempted to approach the RMP into which § 87(2)(b) had been placed, at which point she alleged that an officer said, "Come any closer and you'll be arrested (allegation D)."

§ 87(2)(g)

Summary of Complaint

Overview

This incident took place in the courtyard area between § 87(2)(b) and § 87(2)(b) which are part of the Ocean Bay Houses, a New York City Housing Authority Development in Far Rockaway, Queens (Enc. 2f). § 87(2)(b) and § 87(2)(b) were sitting on benches around a table near the entrance to § 87(2)(b). They were later joined by § 87(2)(b) and an unidentified female were sitting at a table near the entrance of § 87(2)(b). There were open bottles of beer at both tables and people were drinking.

§ 87(2)(b)'s Statements to Medical Professionals

§ 87(2)(b) is a 5'7" black female who was § 87(2)(b) old on the date of the incident. She provided a statement to medical staff at § 87(2)(b) on § 87(2)(b) (Enc. 3a).

§ 87(2)(b) was arrested on July 3rd, 2007, and handcuffed too tightly, causing pain and swelling to her left wrist.

§ 87(2)(b)'s CCRB Statement

§ 87(2)(b) provided a statement to the CCRB at her home at § 87(2)(b) in Far Rockaway (Enc. 3b-e). The tape recorder used to record § 87(2)(b)'s statement was later found to be faulty and to have rendered parts of § 87(2)(b)'s statement inaudible. Her statement was reconstructed using the investigator's notes as far as possible.

At approximately 1:45pm on July 3rd, 2007, § 87(2)(b) was sitting on a bench in the courtyard of the Ocean Bay Houses with her son, § 87(2)(b)-old § 87(2)(b) and her sister, § 87(2)(b). § 87(2)(b) and § 87(2)(b) were drinking beer out of cups with lids on them, so that it was not possible to tell what was inside the cups. The cups were made of opaque plastic, with screw-on lids. § 87(2)(b) had consumed one beer and was not intoxicated. § 87(2)(b)'s friend, § 87(2)(b) came outside and started speaking to the women. Four white male officers in uniform approached § 87(2)(b) who was drinking beer out of an exposed 40oz beer bottle on the other side of the courtyard, in front of § 87(2)(b). PO #1 had shield number 12322, PO #2, identified through investigation as PO Figueiredo, had shield number 18440, and PO #3 had shield number 13729, identified through investigation as PO Demartino. PO #1 could not be identified based on the shield number provided. The officers asked § 87(2)(b) for his name and address and he provided them. The officers then approached the women and § 87(2)(b) and asked them for ID. § 87(2)(b) was the only one who had ID and he provided it to the officers. PO #1 opened § 87(2)(b) and § 87(2)(b)'s cups, smelled the contents and poured out the beer. PO #1 also threw out a bottle of beer that was in an opaque plastic bag next to the women. The officers took § 87(2)(b) ID to their vehicle and ran it for warrants. § 87(2)(b) did not have any warrants.

The officers returned and said that § 87(2)(b) ID was not good enough and that he needed to give them additional identification. § 87(2)(b) yelled up to his sister, § 87(2)(b) who lives at § 87(2)(b) to bring down his wallet. PO #1 and PO Figueiredo handcuffed § 87(2)(b). § 87(2)(b) was upset and asked the officers why they had handcuffed him. PO Figueiredo told § 87(2)(b) to "sit the fuck down." The officers then grabbed § 87(2)(b) and threw him facedown on the ground. § 87(2)(b)'s head was turned to the side on the ground. PO #1 wrapped a pair of handcuffs around his hand and punched § 87(2)(b) in the left eye and back of the head with the handcuffs approximately seven times. § 87(2)(b) did not resist in any way. § 87(2)(b) went right up to the officers, to where she could have touched them, and said, "Why are you doing that to him?" PO #4, identified through investigation as PO Picarello took § 87(2)(b) aside and tried to calm her down. § 87(2)(b) then walked towards § 87(2)(b) and told him to calm down. PO #1 tapped § 87(2)(b) on the shoulder. § 87(2)(b) raised her arm, turned around and said, "Don't touch me." PO Figueiredo grabbed § 87(2)(b) ripping her shirt. The officers told § 87(2)(b) to put her hands behind her back, but she refused and held her arms down by her sides because she did not want to be handcuffed. The officers eventually handcuffed § 87(2)(b) and one of the officers tightly squeezed the handcuffs, causing a bruise on § 87(2)(b)'s wrist. § 87(2)(b) asked the officers why they were arresting § 87(2)(b) and started pulling § 87(2)(b)'s arm, at which point the officers arrested her. § 87(2)(b) was charged with § 87(2)(b). Once she was released, she went to § 87(2)(b) because of the pain to her wrist, but she did not have any serious injuries.

Results of Investigation

Additional Victims and Witnesses

All of the following statements were obtained on August 15th, 2007, at § 87(2)(b) using the same tape recorder. As a result, all of the recordings of these statements were partially inaudible. They were reconstructed as far as possible from the investigator's notes.

§ 87(2)(b) s Statements to Medical Professionals

§ 87(2)(b) is a 5'4" black female. She is § 87(2)(b) s sister and lives at § 87(2)(b). She provided a statement at § 87(2)(b) on § 87(2)(b) (Enc. 4a).

§ 87(2)(b) complained of pain and bruising to her wrists caused by being handcuffed by officers. She also had pain in her right shoulder.

§ 87(2)(b) s CCRB Statement

§ 87(2)(g)

At approximately 1:45pm on July 3rd, 2007, § 87(2)(b) was drinking beer with § 87(2)(b) in the open courtyard between her building and the neighboring building, which are part of a public housing complex. The women were drinking out of opaque plastic cups and had a 40oz bottle of beer in an opaque plastic bag beside them. The cups had plastic lids on them. § 87(2)(b) could not say how much she had had to drink by that point because she had been drinking in her apartment beforehand. However, she was not drunk. The officers asked § 87(2)(b) for his ID and he provided it. § 87(2)(b) could not describe the officers beyond saying that they were white males. § 87(2)(b) got up to leave, but two of the officers grabbed him and "manhandled" him. § 87(2)(b) could not specify what physical contact the officers had with § 87(2)(b). § 87(2)(b) tried to get away from the officers, at which point they slammed him facedown on the ground. § 87(2)(b) told the officers to leave § 87(2)(b) alone. § 87(2)(b) was approximately four feet away from the officers. An officer ripped § 87(2)(b) s shirt and two officers slammed her against a fence front first. § 87(2)(b) approached the officers and asked them what they were doing. § 87(2)(b) was two feet away from the officers but did not touch them. An officer then grabbed § 87(2)(b) and pushed her against the fence as well. § 87(2)(b) s hands made contact with the fence. § 87(2)(b) was handcuffed and taken to the station house. She was charged with disorderly conduct. § 87(2)(b) did not curse at the officers. § 87(2)(b) did not know if the officers cursed at anyone. § 87(2)(b) went to § 87(2)(b) when she was released because she suffered a dislocated shoulder prior to the incident and wanted to make sure that it had not been aggravated during the incident, which it had not.

§ 87(2)(b) and § 87(2)(b) is a 5'5" black female who was § 87(2)(b) old on the date of the incident. She is the daughter of § 87(2)(b). § 87(2)(b) is a 5'6" white female who was § 87(2)(b) old on the date of the incident. § 87(2)(b) also provided a written statement from an unknown date, § 87(2)(g). § 87(2)(b) is a 5'9" black female who was § 87(2)(b) old on the date of the incident. § 87(2)(b) is a 5'8" black female who was § 87(2)(b) old on the date of the incident. They are all friends of § 87(2)(b) and live in the Ocean Bay Houses. § 87(2)(g)

At approximately 1:45pm on July 3rd, 2007, § 87(2)(b) and § 87(2)(b) were sitting in front of § 87(2)(b) a few feet away from § 87(2)(b) and § 87(2)(b). § 87(2)(b) was sitting on a bench in front of § 87(2)(b). § 87(2)(b) and § 87(2)(b) were all drinking beer. § 87(2)(b) denied drinking beer, but § 87(2)(b) stated that § 87(2)(b) was drinking. § 87(2)(b) stated that § 87(2)(b) was drinking "Colt 45" beer out of a 40oz bottle. § 87(2)(b) and § 87(2)(b) were sitting by their apartment windows, which face the courtyard of the Ocean Bay Houses. Four officers approached on bicycles and asked everyone for their IDs. Only § 87(2)(b) provided his ID. § 87(2)(b) stated that PO #1 was a 6'0" white male with short hair, shield 18440, identified through investigation as PO Figueiredo. PO #2 was a 5'9" white male with

glasses and spiky dark hair, shield 12379, identified through investigation as PO Demartino. PO #3 was a white male with red hair and freckles, shield 14394, identified through investigation as PO Shannon. The fourth officer was a white male. § 87(2)(b) stated that she went upstairs to get her ID and that the officers did not pay much attention to her because § 87(2)(b) and § 87(2)(b) began to talk back to the officers and cause a commotion. § 87(2)(b) stated that PO Figueiredo and PO Demartino then grabbed § 87(2)(b) and PO Demartino hit him twice in the head with his handcuffs wrapped around his hand. § 87(2)(b) stated that § 87(2)(b) started to argue with the officers and PO Figueiredo said, "Shut up and sit the fuck down." § 87(2)(b) sat down on one of the tables, at which point PO Figueiredo threw § 87(2)(b) facedown on the ground, shoved his head into the ground and punched him in the face. § 87(2)(b) stated that an officer pushed § 87(2)(b) onto a bench and then hit him twice in the back of the head with his handcuffs wrapped around his hand, knocking him to the ground, where he was handcuffed.

§ 87(2)(b) asked the officers what they were doing. An officer touched § 87(2)(b) on the back and when she told the officer not to touch her, that officer pushed her against a fence and arrested her. § 87(2)(b) alleged that an officer said to § 87(2)(b) "Oh, you got something to say? I'm gonna lock your ass up too." When § 87(2)(b) asked why § 87(2)(b) was being arrested, the officers arrested her as well. § 87(2)(b) and asked PO Figueiredo why he had hit § 87(2)(b). PO Figueiredo said, "You should be lucky I didn't beat his ass." § 87(2)(b) approached the vehicle in which § 87(2)(b) had been placed. A short white male officer said, "Come any closer and I'll arrest you." § 87(2)(b) did not go any closer. § 87(2)(b) thought that if § 87(2)(b) and § 87(2)(b) had not said anything, the situation would not have escalated as it did.

Civilians Not Interviewed

Two interviews were scheduled with § 87(2)(b) at the CCRB. However, he missed both appointments and was not interviewed. § 87(2)(g)

At the time of her CCRB interview, § 87(2)(b) stated that § 87(2)(b) had moved out of state and that she did not have any contact information for him. As a result, he was not interviewed by the CCRB. § 87(2)(b) who was named as a witness, stated that she did not witness the incident and therefore she was not interviewed.

§ 87(2)(b)

§ 87(2)(b) provided a copy of a statement written by § 87(2)(b) and dated July 3rd, 2007 (Enc. 9a). This statement was not notarized.

Two to four officers on bicycles stopped § 87(2)(b) because he was drinking alcohol outside. The officers then approached the bench and asked § 87(2)(b) and § 87(2)(b) for their IDs. Everyone said that they lived in the building. An officer grabbed one of the cups on the table and smelled the contents, before throwing it away. An officer told § 87(2)(b) to sit down, but before he could, two officers grabbed him and threw him on the ground. The officers knelt § 87(2)(b) and punched him in the neck and face.

Identification of Officers Interviewed

PO Figueiredo was identified as § 87(2)(b) arresting officer from his arrest report (Enc. 11d-e). PO Figueiredo identified PO Dalessandro, PO Picarello, and PO Rusielewicz as his partners at the time of the incident during his CCRB interview. PO Demartino was identified as § 87(2)(b) s arresting officer and PO Shannon as § 87(2)(b) s from their respective arrest

reports (Enc. 16d-f and Enc. 15d-f). Sgt. Hartman was identified as the patrol supervisor from the 101st Precinct roll call (Enc. 20i).

PO Andre Figueiredo

PO Figueiredo completed § 87(2)(b) arrest report (Enc. 11d-e), in which he stated that § 87(2)(b) was sitting on a bench with other individuals who had open containers of alcohol. § 87(2)(b) was told to leave the area but he refused. § 87(2)(b) resisted arrest by flailing his arms and kicking his legs violently. Physical force was used to restrain § 87(2)(b).

PO Figueiredo's CCRB Statement

PO Figueiredo is a 5'10" Hispanic male who was § 87(2)(b) old on the date of the incident. He provided a statement at the CCRB on November 29th, 2007 (Enc. 11g-h).

On July 3rd, 2007, PO Figueiredo worked from 12:00pm until 8:45pm. His assignment was satellite bike team. He worked with PO Dalessandro and was in uniform. He was not assigned to a motor vehicle. His memo book (Enc. 11a-c) indicates that two males and two females were stopped. § 87(2)(b) was arrested for § 87(2)(b). A hammer was vouchered for safekeeping.

At approximately 1:45pm on July 3rd, 2007, PO Figueiredo was on routine bicycle patrol with PO Dalessandro through the housing project. PO Picarello and PO Rusielewicz stopped two people, identified through investigation as § 87(2)(b) and § 87(2)(b) in front of the building across from § 87(2)(b) for unknown reasons. PO Figueiredo stopped females who were drinking alcohol in public, identified through investigation as § 87(2)(b) and § 87(2)(b) sitting in front of § 87(2)(b). The women were sitting with plastic cups on a table containing an unknown liquid inside and a 22oz or 40oz bottle of beer on the bench between them. PO Figueiredo did not remember if the cups were clear or opaque. The top half of the bottle was sticking out of a bag. PO Figueiredo asked the women for ID and whether they lived in the building. The women said that they did not have ID but that the officers did not have the right to know if they lived in the building. § 87(2)(b) who was sitting nearby, became irate and said, "You don't have to fucking listen to them, don't give them anything." PO Figueiredo told § 87(2)(b) to leave the area, to which § 87(2)(b) replied, "I don't got to fucking listen to you. Who the fuck are you?" PO Figueiredo has stopped § 87(2)(b) in the past year, but there was no conversation about any of the officers' prior interactions with § 87(2)(b). § 87(2)(b) started to stand up a couple times, but PO Figueiredo and PO Dalessandro told § 87(2)(b) to sit down and he complied. The officers did not say, "Sit the fuck down." § 87(2)(b) stood up and walked around the table to approach the officers. PO Figueiredo noticed that § 87(2)(b) had a hammer in his rear pants pocket. Once § 87(2)(b) got closer, PO Figueiredo removed the hammer from § 87(2)(b) pocket. § 87(2)(b) said, "You can't fucking touch me. Get the fuck out of here."

PO Figueiredo and PO Dalessandro decided to arrest § 87(2)(b) at that point for disorderly conduct and refusing to leave the area. PO Figueiredo did not remember if the officers ever attempted to obtain § 87(2)(b) ID. PO Figueiredo grabbed § 87(2)(b) arm, at which point § 87(2)(b) attempted to jump over a fence and flee. PO Figueiredo and PO Dalessandro pulled § 87(2)(b) back towards them, at which point § 87(2)(b) began flailing his arms, causing him and both officers to fall to the ground. § 87(2)(b) continued moving and kicking his legs once on the ground, attempting to elbow the officers. At some point during the struggle, PO Dalessandro radioed for assistance. Both officers handcuffed § 87(2)(b) by grabbing his arms and pulling them behind his back. The officers used PO Figueiredo's handcuffs to handcuff § 87(2)(b). PO Figueiredo did not know if PO Dalessandro ever took out his handcuffs. PO Figueiredo did not remember if he ever punched § 87(2)(b) but stated that he could have struck

§ 87(2)(b) several times with his arms or hands because § 87(2)(b) was elbowing him. PO Figueiredo did not remember if he ever punched § 87(2)(b) with his handcuffs wrapped around his fist, but stated that this could have happened. PO Figueiredo did not know what the females he had initially stopped were doing while he was attempting to arrest § 87(2)(b). PO Picarello and PO Rusielewicz had no involvement in § 87(2)(b)'s arrest.

The officers stood § 87(2)(b) up, by which point Sgt. Hartman had responded and instructed them to remove § 87(2)(b) from the scene. PO Figueiredo and PO Dalessandro walked § 87(2)(b) to the street and placed him in an RMP. Several people started coming out of the buildings and were being loud and telling the officers to "Fuck off." As PO Figueiredo was leaving he saw that two females, identified through investigation as § 87(2)(b) and § 87(2)(b), had been arrested. PO Figueiredo was not involved in these arrests and did not see what precipitated them or how they occurred. PO Figueiredo did not see any officers use physical force against the females. No officer said, "You should be lucky I didn't beat his ass," or, "Come any closer and I'll arrest you." § 87(2)(b) had lacerations and abrasions on his head that he sustained while the officers were attempting to arrest him. Another unit transported § 87(2)(b) to the station house. § 87(2)(b) and § 87(2)(b) were not brought back to the 101st Precinct and PO Figueiredo did not know what happened to them. EMS was called to the 101st Precinct station house, but § 87(2)(b) refused treatment.

PO Christopher Dalessandro

PO Dalessandro is a 6'0" white male who was § 87(2)(b) old on the date of the incident. He provided a statement at the CCRB on December 19th, 2007 (Enc. 12a-d).

On July 3rd, 2007, PO Dalessandro worked from 12:00pm until 8:35pm. His assignment was satellite bike team. He worked with PO Figueiredo and was in uniform. His memo book (Enc. 11a-b) indicates that two males and two females were stopped and one individual was arrested for § 87(2)(b). § 87(2)(g)

PO Dalessandro, PO Figueiredo, PO Rusielewicz, and PO Picarello all approached the females, who were holding two clear plastic cups containing a liquid that appeared to be beer and had two 40oz bottles of beer sticking out of a paper bag next to them. As soon as the officers asked the women for ID, § 87(2)(b) said, "You don't have to give them shit. Don't listen to what they say." § 87(2)(b) stood up, at which point the officers noticed that he had a hammer in his back pocket. PO Figueiredo removed the hammer from § 87(2)(b) pocket and told him to sit down. PO Figueiredo did not curse at § 87(2)(b). § 87(2)(b) became angrier and said, "You can't fucking tell me what to do. You ain't shit." The officers never requested § 87(2)(b)'s ID. PO Dalessandro and PO Figueiredo went to place § 87(2)(b) in handcuffs for being disorderly, at which point § 87(2)(b) pushed the officers back with his body and flailed his arms in an attempt to get away. PO Dalessandro grabbed § 87(2)(b) by the arm, twisted him around, and pulled him down to the ground with him. PO Figueiredo got down on the ground to assist PO Dalessandro. PO Dalessandro lay on § 87(2)(b)'s arm and PO Figueiredo was able to put one cuff on and then both officers put the other cuff on. The officers used PO Dalessandro's handcuffs. § 87(2)(b) stopped resisting once he was on the ground. PO Dalessandro did not punch § 87(2)(b) and did not know if PO Figueiredo did. PO Rusielewicz and PO Picarello conducted crowd control as several people came outside once the officers attempted to arrest § 87(2)(b). PO Dalessandro then sat § 87(2)(b) on the bench. Sgt. Hartman and additional officers from the 101st and 100th Precincts responded. Sgt. Hartman told the 100th Precinct officers to get the 101st Precinct officers' bikes. The 100th Precinct officers went into the crowd and appeared to be doing crowd control, but PO Dalessandro was unable to see exactly what was going on. § 87(2)(b) had

some scrapes on his head and stated that he wanted medical treatment, so he was taken to § 87(2)(b). But when § 87(2)(b) got to the hospital he refused medical treatment.

PO Joseph Picarello and PO Raymond Rusielewicz

PO Picarello is a 5'11" white male with red hair who was § 87(2)(b) old on the date of the incident. He provided a statement at the CCRB on December 18th, 2007 (Enc. 13a-e). PO Rusielewicz is a 6'0" white male with brown hair who was § 87(2)(b) old on the date of the incident. He provided a statement at the CCRB on February 27th, 2008 (Enc. 14a-e).

On July 3rd, 2007, PO Picarello and PO Rusielewicz worked from 12:00pm until 8:30pm. Their assignment was bicycle housing conditions. They worked with PO Figueiredo and PO Dalessandro. They were in uniform and have no memo book entries regarding this incident.

§ 87(2)(g)

At approximately 1:45pm on July 3rd, 2007, PO Picarello was riding his bicycle through the housing development with his team. PO Picarello observed a group of people in front of § 87(2)(b) drinking alcohol and another group drinking alcohol in front of § 87(2)(b). There were partially bagged beer bottles on tables in front of both buildings. PO Picarello and PO Rusielewicz went to the group in front of § 87(2)(b) which consisted of a teenage male and female, identified through investigation as § 87(2)(b) and § 87(2)(b). PO Rusielewicz was calling for a warrant check, at which point PO Picarello heard a commotion coming from in front of § 87(2)(b). PO Picarello and PO Rusielewicz turned around and saw that PO Figueiredo and PO Dalessandro were attempting to arrest a male, identified as § 87(2)(b). § 87(2)(b) was attempting to move away from the officers and flailing his arms. The officers were trying to grab § 87(2)(b) arms to handcuff him. A group of females started to approach the officers attempting to arrest § 87(2)(b). The females were right next to PO Figueiredo and PO Dalessandro. PO Picarello and PO Rusielewicz approached the females and asked them to step aside and calmed them down. PO Picarello was able to smell alcohol on the females' breath. Officers from the 100th Precinct and the 101st Precinct arrived and conducted crowd control because more people had come out of the buildings. The officers went down the ramp to Alameda Avenue to put § 87(2)(b) in a sector car. As PO Picarello was getting ready to leave, he saw more people come out of the building and the situation immediately became more chaotic. There were approximately fifteen or twenty people outside by this point. PO Picarello stated that § 87(2)(b) became disorderly by yelling and charging aggressively at the officers from the 100th Precinct. At that point, PO Picarello left the location since there were a number of officers there to deal with the crowd. PO Rusielewicz stated that when he was 300 to 400 feet away from the incident location, he heard a commotion and saw § 87(2)(b) being lead towards Alameda Avenue in handcuffs by officers in uniform. PO Rusielewicz did not see any officers use any physical force against her. No officer said, "You should be lucky I didn't beat his ass." PO Picarello did not remember if any officer said, "Come any closer and you'll be arrested."

PO Christopher Shannon

PO Shannon completed § 87(2)(b)'s **arrest report** and the **supporting deposition** (Enc. 15d-g) in which he stated that during a police investigation, § 87(2)(b) repeatedly interfered with the investigation by standing in front of PO Shannon and refusing to move. § 87(2)(b) was yelling causing several people to gather. When PO Shannon attempted to arrest § 87(2)(b), she attempted to run away and refused to put her hands behind her back to be handcuffed. She made the statement, "Fuck you, fucking bitch." Physical force was used to prevent her escape. She was charged with § 87(2)(b).

PO Richard Demartino

PO Demartino completed § 87(2)(b)'s arrest report and supporting deposition (Enc. 16d-g) in which he stated that during a police investigation, § 87(2)(b) repeatedly interfered with the investigation by placing herself in front of PO Demartino and refusing to move. § 87(2)(b) was yelling which caused several people to gather. When PO Demartino attempted to arrest § 87(2)(b) she attempted to run away and refused to put her hands behind her back to be handcuffed. She made the statement, "Get the fuck out of here, asshole." Physical force was used to restrain her.

PO Shannon and PO Demartino's CCRB Statements

PO Shannon is a 6'1" white male with brown hair, who was § 87(2)(b) old on the date of the incident. He provided a statement at the CCRB on November 20th, 2007 (Enc. 15b-i). PO Demartino is a 5'10" Hispanic male with brown hair who was 29 years old on the date of the incident. He provided a statement at the CCRB on July 3rd, 2007 (Enc. 16b-i).

On July 3rd, 2007, PO Shannon worked from 7:05am until 3:40pm and PO Demartino worked from 9:30am until 6:05pm. Their assignment was conditions auto. They were in uniform and were assigned to RMP 439 which is an unmarked black Crown Victoria. PO Shannon's memo book (Enc. 15a-c) indicates that he responded to a call for assistance and arrested § 87(2)(b) in regards. § 87(2)(b) repeatedly placed herself between PO Shannon and the arresting officer from the 101st Precinct. § 87(2)(b) refused to move and was screaming and yelling, causing a crowd to gather. § 87(2)(b) pushed PO Shannon in the chest in an effort to run away. § 87(2)(b) pulled her arms away and refused to put them behind her back to be handcuffed. PO Demartino's memo book (Enc. 16a-c) indicates that he responded to a call for assistance and that two individuals were arrested for § 87(2)(b). § 87(2)(b) repeatedly placed herself between PO Demartino and the arresting officer from the 101st Precinct and refused to move. § 87(2)(b) was screaming and causing a crowd to gather. § 87(2)(b) pushed PO Demartino and attempted to run away. § 87(2)(b) pulled her arms away and refused to put her hands behind her back.

§ 87(2)(g)

At approximately 1:45pm on July 3rd, 2007, PO Shannon and PO Demartino responded to § 87(2)(b) for a call for assistance. The original perpetrator, § 87(2)(b) was already in handcuffs and the officers were waiting for a cage car to transport the prisoner. Neither PO Shannon nor PO Demartino saw any injuries on § 87(2)(b) or saw other officers use physical force against him. There were approximately five officers at the location already. There was a crowd of approximately ten people. The officers were ordered to secure the arresting officers' bicycles by a supervisor at the location because the crowd was gathering around them. The bikes were parked on the pathway between the housing buildings. The officers did not observe any alcohol at the location.

As PO Shannon and PO Demartino attempted to get to the bikes, § 87(2)(b) who was standing approximately five feet in front of the bicycles, refused to let PO Shannon pass. § 87(2)(b) was screaming and cursing at the officers, causing people to come out of the buildings and a crowd to gather. § 87(2)(b) said, "These fucking cops." § 87(2)(b) said, "These fucking crackers," and called PO Shannon a "white devil." PO Shannon smelled alcohol on § 87(2)(b)'s breath. PO Shannon repeatedly told § 87(2)(b) to calm down and get out of the way. PO Shannon told § 87(2)(b) to move approximately five times, but she did not comply. PO Shannon took out his handcuffs and told § 87(2)(b) to put her hands behind her back. PO Shannon grabbed one of § 87(2)(b)'s wrists, at which point § 87(2)(b) tried to pull away

and pushed PO Shannon in the chest with two hands. PO Shannon grabbed § 87(2)(b)'s arm below the elbow and put one handcuff on § 87(2)(b). As PO Shannon was attempting to put the other handcuff on § 87(2)(b), an unidentified male grabbed § 87(2)(b)'s free arm and held it to his chest. PO Shannon grabbed § 87(2)(b)'s free arm as well, at which point the male fled into the crowd and PO Shannon was able to handcuff § 87(2)(b). PO Shannon never pushed § 87(2)(b) against a fence. Another female, identified as § 87(2)(b), was arrested but PO Shannon did not witness the arrest. PO Shannon stated that § 87(2)(b) told him to let go of her, but she did not physically interfere and was standing approximately five feet away.

PO Demartino stated that when he and PO Shannon entered the crowd to get the bikes, people in the crowd started pushing and screaming at PO Demartino. PO Demartino was holding onto one of the bikes when § 87(2)(b) approached and said, "Cops can go fuck themselves." § 87(2)(b) pushed PO Demartino in the chest with one or two hands, causing PO Demartino to move backwards. PO Demartino did not know where PO Shannon was at that point. PO Demartino grabbed onto § 87(2)(b)'s wrist, at which point she tried to pull away and started flailing her arms. PO Demartino grabbed § 87(2)(b)'s arms and put his handcuffs on her. PO Demartino did not witness PO Shannon's arrest. PO Demartino put § 87(2)(b) in his RMP and left the location. No officer said, "You should be lucky I didn't beat his ass." § 87(2)(b) was transported in another unit's vehicle back to the station house. No officer said, "Come any closer and I'll arrest you." § 87(2)(b) and § 87(2)(b) did not have any visible injuries and did not complain of any.

Sgt. Michael Hartman

Sgt. Hartman is a 5'6" white male with brown hair who was § 87(2)(b) old on the date of the incident. He provided a statement at the CCRB on March 18th, 2008 (Enc. 17a-e).

On July 3rd, 2007, Sgt. Hartman worked from 6:00am until 2:57pm. His assignment was patrol supervisor. He worked with PO Fehn and was in uniform. He was assigned to RMP 2375. His memo book (Enc. 17a-c) indicates that there was one individual under arrest for § 87(2)(b) and two people arrested by members of the 100th Precinct for § 87(2)(b).

At approximately 1:45pm on July 3rd, 2007, Sgt. Hartman responded to a call for assistance from officers assigned to bicycle patrol. Sgt. Hartman never made it within the housing development and remained on Alameda Avenue for the entirety of the incident. Sgt. Hartman instructed the officers to put § 87(2)(b) in a patrol car on Alameda Avenue. People began approaching the RMP in which § 87(2)(b) had been secured. Sgt. Hartman did not know what these people were doing, but considered them a security threat because of their proximity to the RMP. Sgt. Hartman told his officers to instruct people to move away from the RMP and that if they did not comply, to arrest them. Sgt. Hartman did not say, "Come any closer and I'll arrest you," and he did not hear any officers say this. He did not remember to whom he gave these instructions. Sgt. Hartman saw that two more individuals had been arrested, but he did not witness their arrests or the circumstances leading up to their arrests. No officer said, "You should be lucky I didn't beat his ass." People started coming out of the development so Sgt. Hartman made sure all his officers were accounted for and then instructed them to leave the location.

Officers Not Interviewed

§ 87(2)(g)

Medical Records

§ 87(2)(b) went to § 87(2)(b) on § 87(2)(b) (Enc. 19a-), where she complained of bruising and pain to her wrists and right shoulder. § 87(2)(b) was prescribed Motrin.

§ 87(2)(b) went to § 87(2)(b) on § 87(2)(b) (Enc. 19a-g) and complained of left wrist pain and swelling and left shoulder pain. She had X-rays taken of her left wrist, which showed no fractures or abnormalities.

NYPD Documents

The **SPRINT report** (Enc. 20a-f) indicates that one individual was initially arrested by members of the 101st Precinct and that approximately ten minutes later two individuals were arrested by members of the 100th Precinct. The recording indicates that the 101st Precinct sergeant put out a call for assistance following the first arrest, which was called off a few minutes prior to the second and third arrests.

The **100th Precinct command log** (Enc. 20g) indicates that § 87(2)(b) and § 87(2)(b) had physical and mental conditions that were apparently normal when they arrived at the station house at 2:00pm.

The **101st Precinct command log** (Enc. 20h) indicates that § 87(2)(b) was taken to § 87(2)(b) by PO Delassandro at 2:25pm. A hammer was initially vouchered as arrest evidence, but this note was later crossed out.

The **100th Precinct roll call** (Enc. 20i) indicates that PO Shannon and PO Demartino were on duty at the time of the incident.

The **101st Precinct roll call** (Enc. 20j) indicates that Sgt. Hartman was assigned to patrol supervisor at the time of the incident.

The **arrest photographs** of § 87(2)(b) and § 87(2)(b) show no visible injuries (Enc. 10a, 3d, and 4d).

The **medical treatment of prisoner form** for § 87(2)(b) was requested but could not be located.

Dispositions of Criminal Cases

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

PO Figueiredo's CCRB History

PO Figueiredo has been a member of the NYPD for three years. He has no substantiated allegations on his record (Enc. 1a).

Civilian CCRB Histories

Neither § 87(2)(b) nor § 87(2)(b) has filed any prior CCRB complaints (Enc. 1b-c).

Criminal Conviction Histories

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Conclusions and Recommendations

Identification of Subject Officers

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

§ 87(2)(g)

Undisputed Facts

It is not disputed that § 87(2)(b) and § 87(2)(b) were drinking beer in public and had a 40oz bottle of beer in their possession. It is not disputed that § 87(2)(b) and § 87(2)(b) did not have identification. It is not disputed that officers used physical force against § 87(2)(b) and that PO Figueiredo punched § 87(2)(b). It is also not disputed that § 87(2)(b) approached officers and asked why they were arresting § 87(2)(b). It is not disputed that § 87(2)(b) resisted arrest.

Disputed Facts

§ 87(2)(g)

Assessment of Evidence

§ 87(2)(b) stated that she was drinking beer outside with § 87(2)(b) but that they were drinking it out of opaque plastic cups with lids, such that the officers would have been unable to determine what was inside the cups without opening them. Upon approaching the females, PO Figueiredo did not know the contents of the cups and at the time of his interview, he was unable to remember whether the cups were clear or opaque. PO Dalessandro; however, stated that the cups were clear and contained beer. § 87(2)(b) PO Figueiredo, and PO Dalessandro all stated that the women had at least one 40oz bottle of beer in their possession. § 87(2)(g)

§ 87(2)(b) stated that § 87(2)(b) was drinking “Colt 45” beer out of a 40oz bottle. § 87(2)(b) stated that both § 87(2)(b) and § 87(2)(b) were drinking beer from an exposed container. § 87(2)(g)

§ 87(2)(b) stated that PO Figueiredo told § 87(2)(b) to “sit the fuck down” while the officers were conducting the stop. § 87(2)(b) stated that PO Figueiredo said, “Shut the fuck up and sit down,” to § 87(2)(b). PO Figueiredo denied making these statements, though he stated that § 87(2)(b) repeatedly attempted to stand up and that he told him to “sit down.” While § 87(2)(b) and § 87(2)(b) allegations were similar, they were not identical. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) all alleged that an officer punched § 87(2)(b) in the head with his handcuffs wrapped around his fist. § 87(2)(b) alleged that an

officer punched § 87(2)(b) in the face, but did not mention that there were handcuffs in his hand. PO Figueiredo stated that he may have punched § 87(2)(b) with his handcuffs wrapped around his hand. § 87(2)(g)

§ 87(2)(b) stated that when she approached PO Figueiredo and asked him why he hit § 87(2)(b) PO Figueiredo said, “You should be lucky I didn’t beat his ass.” PO Figueiredo denied making this statement. § 87(2)(g)

§ 87(2)(b) stated that when she attempted to approach the vehicle in which § 87(2)(b) had been placed, an officer said, “Come any closer and I’ll arrest you.” All of the officers denied making this statement, but Sgt. Hartman stated that people were attempting to approach the vehicle and that he instructed his officers to tell people to move back or arrest them if they did not comply. § 87(2)(g)

Allegations Not Pleaded

§ 87(2)(g)

Allegation A: Officers stopped § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) and § 87(2)(b) all stated that they were stopped by officers outside their building. § 87(2)(b) and § 87(2)(b) both admitted to drinking beer outside in the courtyard of the Ocean Bay Houses. § 87(2)(b) and § 87(2)(b) denied drinking beer, although § 87(2)(b) stated that § 87(2)(b) was drinking. The officers admitted to stopping § 87(2)(b) and § 87(2)(b) but denied stopping any other females initially. § 87(2)(g)

§ 87(2)(g)

Allegation B: PO Andre Figueiredo spoke obscenely to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) stated that PO Figueiredo told § 87(2)(b) to “sit the fuck down.” § 87(2)(b) stated that PO Figueiredo said, “Shut the fuck up and sit down.” § 87(2)(b) stated that PO Figueiredo said, “You should be lucky I didn’t beat his ass,” in reference to § 87(2)(b). PO Figueiredo denied making these statements. § 87(2)(g)

Allegation C: An officer used physical force against § 87(2)(b)

Several witnesses alleged that an officer punched § 87(2)(b) in the face while he was being arrested. PO Figueiredo did not admit to punching § 87(2)(b) but stated that he might have done so. While many of the witnesses alleged that § 87(2)(b) was punched multiple times in the face with handcuffs, his arrest photograph, which shows that § 87(2)(b) had no facial injuries, § 87(2)(g) PO Figueiredo stated that § 87(2)(b) had lacerations and abrasions to his face, § 87(2)(g)

Allegation D: An officer threatened to arrest § 87(2)(b)

§ 87(2)(b) stated that when she approached the vehicle into which § 87(2)(b) had been placed, an officer said, “Come any closer and I’ll arrest you.” No officer admitted to making this statement, but Sgt. Hartman stated that he had instructed his officers to tell people to move away from the RMP and arrest them if they did not comply. § 87(2)(g)

Investigator: Henry Cordes Date:

Supervisor: Date:

Reviewed by: Date:

Reviewed by: Date: